

**§ 35.4205**

**40 CFR Ch. I (7-1-04 Edition)**

**§ 35.4205 How does my group procure a technical advisor or any other contractor?**

When procuring contractors your group must also:

- (a) Provide opportunity for all qualified contractors to compete for your work (see § 35.4210);
- (b) Keep written records of the reasons for all your contracting decisions;
- (c) Make sure that all costs are reasonable in a proposed contract;
- (d) Inform EPA of any proposed contract over \$1,000.00;
- (e) Provide EPA the opportunity to review a contract before your group awards or amends it;
- (f) Perform a “cost analysis” to evaluate each element of a contractor’s cost to determine if it is reasonable, allocable and allowable for all contracts over \$25,000; and
- (g) Comply with the small business enterprises (SBE), minority-owned business enterprises, women-owned business enterprise requirements in 40 CFR 30.44(b) which outlines steps your group must take to make positive efforts to use small businesses, minority-owned firms and women’s business enterprises. These steps generally say:
  - (1) Make sure to use small businesses, minority-owned firms, and women’s businesses as often as possible.
  - (2) Make information on upcoming opportunities available and plan time

frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises.

- (3) When procuring firms for larger contracts, consider whether those firms intend to subcontract with small businesses, minority-owned firms, and women’s business enterprises.
- (4) Encourage contracting with consortiums of small businesses, minority-owned firms and women’s business enterprises when a contract is too large for one of those to handle on its own.
- (5) Use the services and help, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises.
- (6) If your contractor awards a contract, require the contractor to take the steps in 40 CFR 30.44(b) as summarized in paragraphs (g)(1) through (5) of this section.

**§ 35.4210 Must my group solicit and document bids for our procurements?**

(a) The steps needed to be taken to procure goods and/or services depends on the amount of the proposed procurement:

If the aggregate amount of the	Then your group
(1) purchase is \$1,000 or less .....	may make the purchase as long as you make sure the price is reasonable; no oral or written bids are necessary.
(2) proposed contract is over \$1,000 but less than \$25,000.	must obtain and document oral or written bids from two or more qualified sources.
(3) proposed contract is \$25,000 to \$100,000.	must: <ul style="list-style-type: none"> <li>(i) Solicit written bids from three or more sources who are willing and able to do the work;</li> <li>(ii) Provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids;</li> <li>(iii) Objectively evaluate all bids; and</li> </ul>